THE

TRYAL

AND

CONVICTION

OF

Mary Butler, alias *Strickland*,

At JUSTICE-HALL in the *Old-Baily*, in *London*, on the 12th Day of *October*, 1699.

FOR

Counterfeiting a BOND of 4000 0 l. *as the Bond of Sir* Robert Clayton, *Kt. and Alderman of* London.

LONDON:

Printed by *F. C.* in the *Old-Baily*, 1700.

ERRATA.

Page 13 in the 2d Line of the Obligation, for *Milites* read *Militem*, and in the 5th Line of the same Obligation, for *Parochia* read *Parochia*.

Pag. 15 in the 7th Line, for *Cozen* read *Coven*, and at the Bottom of that Condition, for *Robert Clayton* read *Robt Clayton*; and amongst the Witnesses to the Bond, for *John Hebdon* read *Jo^o Hebden*.

Pag. 16 Line 5. for *hands* read *hand*, and in the same Page in the 4th Line from the Bottom, for *was* read *is*.

Pag. 19 Line 3. next to *Discourse* add (*of*).

Pag. 21 Line 4. for *declaim* read *disclaim*.

MVSEVM BRITANNICVM

THE TRYAL AND CONVICTION OF *Mary Butler* alias *Strickland*,

At *Justice-Hall* in the *Old-Baily*, in *London*, on the 12th Day of *October*, 1699.

Clerk of Arr. BRing *Mary Butler* to the Bar. (Accordingly she was brought.) *Mary Butler*, alias *Strickland*, *You stand Indicted by the Name of* Mary Butler, *alias* Strickland, *late of* London, *Widow. For that You endeavouring, and maliciously intending, to deceive and oppress Sir* Robert Clayton, *Knight and Alderman of* London, *the first Day of* December, *in the Seventh Year of His now Majesty's Reign, at* London *aforesaid; in the Parish of St.* Mary Woolnoth

noth, *in the Ward of* Langborne, *a certain False Writing, Sealed in Form of a Bond, bearing Date the Fourteenth Day of* April, 1687, *in the Name of the said Sir* Robert Clayton, *for the Payment of the Penal Summ of Forty Thousand Pounds, to be made by the said Sir* Robert Clayton *to you* Mary Butler, *alias* Strickland, *with Condition there under-written; concerning amongst other things, the Payment of Twenty Thousand Pounds, to be made to you* Mary Butler, *alias* Strickland, *after the Death of the said Sir* Robert Clayton, *by his Heirs, Executors and Administrators; Falsly, Knowingly, Unlawfully, and Subtilly did Make, Counterfeit and Write, and cause to be made, counterfeited and written. And further, That you* Mary Butler, *alias* Strickland, *afterwards,* Viz. *the first Day of* December, *in the Seventh Year aforesaid, at* London *aforesaid, in the Parish and Ward aforesaid, a certain false and forged Writing, sealed in Form of a Bond, in the Name of the said Sir* Robert Clayton, *for the Payment of the Penal Sum of Forty Thousand Ponnds by the said Sir* Robert Clayton, *to you* Mary Butler, *alias* Strickland, *with Condition under-written, concerning amongst other things the Payment of Twenty Thousand Pounds, to be made to you* Mary Butler, *alias* Strickland, *after the Death of the said Sir* Robert Clayton, *by his Heirs, Executors, or Administrators, as a true Bond of the said Sir* Robert Clayton, *as if really made by him; falsly, subtilly, and deceitfully, did publish, you* Mary Butler, *alias* Strickland; *well knowing the said Writing to be false forged and counterfeited, and not the Deed of the said Sir* Robert Clayton; *To the great damage of the said Sir* Robert Clayton; *to the*

evil

evil Example of all others in the like Caſe, offending againſt the Peace of our Sovereign Lord the King, His Crown and Dignity.

Cl. of Arr. How ſayſt thou, *Mary Butler*, alias *Strickland*, art thou Guilty of this Forgery whereof thou ſtands Indicted, or not Guilty?

Priſoner, Not Guilty.

Cl. of Arr. Priſoner, look to your Challenges. *Cryer*, ſwear the Jury, which follow.

JURY Sworn.

William Clark.	*George Ludlam.*
William Chriſtopher.	*Richard Kemble.*
Thomas Wharton.	*John Clarke.*
George Kimble.	*Stephen Broughton.*
James Church.	*Joſeph Sheppard.*
John Whiſtler.	*Thomas Wickham.*

Clerk of Arr. You of the Jury that are ſworn, look upon the Priſoner, and hearken to her Cauſe. She ſtands indicted, *&c.*

Mr. *Mountague.* May it pleaſe your Lordſhip, and you Gentlemen of the Jury, this Indictment does charge the Priſoner at the Bar, *Mary Butler*, alias *Strickland*, with a Fraud and intended Cheat. It ſets forth, That the Priſoner at the Bar, intending to cheat Sir *Robert Clayton*, did counterfeit a certain Writing,

Writing, purporting to be the Bond of Sir *Robert Clayton* for Payment of 20000 *l.* and that it was to be paid to the ſaid *Mary Butler*, alias *Strickland*, after the Death of the ſaid Sir *Robert Clayton*. Likewiſe, that ſhe did publiſh this Writing as Sir *Robert Clayton*'s Deed. To this Indictment ſhe has pleaded, Not Guilty. If we prove the Fact, I do not queſtion but you will find her guilty, that ſhe may have her due Puniſhment.

Mr. *Sergeant Wright*. My Lord, I am of Council for the King in this Cauſe. You hear what ſort of Crime it is that is charged on the Priſoner. It is for Forging a Bond of no leſs Penalty than Forty Thouſand Pounds, for the Payment of Twenty Thouſand Pounds. This is made in the Name of Sir *Robert Clayton*, and the Twenty Thouſand Pounds were to be paid a little after his own Death, by his Executors or Adminiſtrators: And that in the mean time, Twelve Hundred Pounds a Year were to be paid for the Intereſt of this Summ. But, my Lord, the Priſoner did not reſt here; (a Second Contrivance will be opened to you.) That which ſhe is now charged with, is the Forging of a Bond of the Penalty of Forty Thouſand Pound.

My Lord, the Priſoner for ſome Years had a great Intimacy with a Great Peer, the late Duke of *Buckingham* And ſhe either had, or pretended to have, a Bond from him for Five Thouſand Pounds, payable to her ſelf after his Death, and an Annual Intereſt in the mean time, till the Principal was paid. Sir *Robert Clayton* being a Truſtee of the Duke's Eſtate for the Payment of his Debts, the Priſoner came frequently to Sir *Robert Clayton*, to ſolicite his

his Favour and Intereſt for the Payment of this Debt. On this account ſhe inſinuated her ſelf into his Company and into his Family. Sometimes ſhe pretended to be a great Penitent, and that ſhe was ſorry for the Converſation ſhe had with the Duke, that her own Relations being Papiſts, and if ſhe ſhould go to them, they would ſend her into a Nunnery. All which was but counterfeit; and in order to win upon Sir *Robert Clayton*, and he finding ſhe was an ill Woman, notwithſtanding all her Pretences, he at laſt, about twelve Years ago, forbid her his Houſe, and ſince that ſhe never was there.

About the Year 1695. Sir *Robert Clayton* had ſome private Intimation given him, that the Priſoner had a great Demand on him, no leſs than Twenty Thouſand Pounds. Upon this, Sir *Robert Clayton* took the beſt Courſe he could to find it out, and exhibited a Bill in *Chancery* againſt her, and ſome of her Accomplices, to diſcover whether they had any Pretences upon him or his Eſtate. To this Bill the Priſoner put in an Anſwer, that ſhe had no Claim or Demand againſt him upon any account whatſoever. While this was in Agitation, the Priſoner came to Mr. *Woodward*, an Attorney of this City, and brought him a Writing, purporting a Bond, with the Name *Robert Clayton* ſubſcribed to it, ſealed and atteſted by four Witneſſes, as the Bond of Sir *Robert Clayton*; and told Mr. *Woodward*, "That "Bond was given to her by Sir *Robert Clayton*, up- "on ſome good Conſiderations; but it having taken "Air, ſome Uneaſineſs had ariſen about it in Sir *Ro-* "*bert Clayton*'s Family; and (as ſhe pretended) up- "on this account he had exhibited a Bill in *Equity* againſt

" againſt her, therefore this Bond muſt be delivered " up; and Sir *Robert* had promiſed, to give her a new " Bond for Twenty Thouſand Pounds, and that all " the Money in Arrears for Intereſt, was to be " turned to Principal, and put into the New Bond. " But this was to be done very privately, ſo as not " to be known by any of Sir *Robert Clayton*'s Fa- " mily, and therefore none of his Servants were to " be privy to it. Thereupon ſhe gives to Mr. *Wood- ward* the Bond, deſiring him to make a new Bond by it, and to turn all the Intereſt that was due into Principal. Upon this Mr. *Woodward* made her a Bond of the Penalty of Fifty Four Thouſand Pound Conditioned, for Payment of Twenty Seven Thou- ſand Pounds after Sir *Robert Clayton*'s Death, and Intereſt in the mean time. This Bond ſhe took a- way with her, and likewiſe the firſt Bond; but what ſhe did with them ſince, we are not privy to. And a great Charge ſhe laid upon Mr. *Woodward*, to carry it with all poſſible Privacy, that no notice might be taken in Sir *Robert*'s Family.

Some few Months ago there was another Intima- tion ſent to Sir *Robert Clayton*, that this Gentlewo- man pretended to have a great Claim upon him of a great Sum of Money that was to be paid her, either at preſent, or after his Death; and that Mr. *Woodward* made the Bond, and he could give an account of it. Upon this, Sir *Robert Clayton* ſent to Mr. *Woodward*, who like a very honeſt Man, told the whole buſineſs, in what manner it was the Pri- ſoner came to him, and how he came to make the Bond; and that he was deſired to be ſilent in it, Sir *Robert Clayton* having deſired this Bond ſhould

be

be made out of his own Houſe, that none of his Family might take notice of it.

Sir *Robert Clayton* having this notice, and finding from Mr. *Woodward*, the Priſoner had taken this Courſe to carry on this Deſign to charge his Eſtate, he got a Warrant from the Lord Chief Juſtice to have her before him, to be examined before his Lordſhip. Where being brought, ſhe upon her Examination, has confeſt the whole Matter, her having the firſt Bond, and where it was made. What is become of the latter Bond, we cannot get out of her, nor whether ſhe ever affixed the Name of Sir *Robert Clayton* to that. But we will produce Credible Witneſſes to prove her guilty of Forging the firſt Bond for the Payment of Twenty Thouſand Pounds; and that it had the Name and Seal of Sir *Robert Clayton* affixt to it, and that ſhe affirmed it to be a good Bond, well executed by Sir *Robert Clayton*, and that there was Intereſt due upon it from Sir *Robert Clayton*, and that the Intereſt was in the Second Bond to be turned into Principal. We will call Witneſſes to prove this, and then I hope ſhe ſhall have ſuch Puniſhment as ſhe deſerves.

Mr. *Northey*. My Lord, What the Nature of our Evidence will be, I ſhall inform you. It cannot be expected from us to produce the Bond, for that ſhe carried away from Mr. *Woodward*, ſo that we cannot give the Writing it ſelf in Evidence; but if ſhe inſiſt on it, we hope ſhe will produce the Bond. We have the Copy (taken by Mr. *Woodward*) of the firſt Bond, which he had from her, that he might draw the Second Bond by it. But we can prove

from that which agrees with our Record, that ſhe affirmed, that the firſt Bond that ſhe produced was Sir *Robert Clayton's*; That that Bond which ſhe produced, of which this is the Copy, ſhe affirmed to be Sir *Robert Clayton's* Deed. We ſhall do that, and afterwards prove her publiſhing it: For our Indictment is againſt her for Forging a Bond, and Publiſhing that Forged Bond, knowing it to be ſuch; and cloſe all with her own Confeſſion. And, My Lord, there is this to ſhow there could be nothing in the Bond, that from the time ſhe pretended to have this Bond, when ſhe was to have Twelve Hundred Pound a Year, ſhe remained a Priſoner all that time, and got her ſelf out by ſwearing ſhe was not worth Five Pounds in all the World. Call Mr. *Woodward* (who appeared, and was Sworn.)

Mr. *Sergeant Wright*. Mr. *Woodward*, you hear what the Charge is, pray give an account of what you know in reference to it.

Mr. *Woodward*. My Lord, Mrs. *Butler* has been my Client many Years. About two or three Years ago, more or leſs, Mrs. *Butler* came to me, and brought me a Bond; ſhe gave it me to peruſe, and told me another muſt be drawn by it. When I had peruſed the Bond, I found it was ſigned *Robert Clayton*, and four Witneſſes Names ſet to the Bond. It was a Bond of the Penalty, as I remember, of Forty Thouſand Pounds, and I think it was in the Year 1687. for to pay, I think, Twelve Hundred Pounds a Year, by four Quarterly Payments Yearly, during Sir *Robert Clayton's* Life. And Twenty Thouſand Pounds within ſix Months after his Death.

There

There were ſome other things in that Bond, which will appear by the Copy, which indeed I did take: For Mrs. *Butler* deſired it might be a Secret, being of a very great Concern. And I asked her why ſuch a Bond ſhould be given, I thought it muſt be great Generoſity, and not for Money lent. But ſhe told me the Forty Thouſand Pound Bond was to be delivered up to Sir *Robert*. I asked her, why, ſince ſhe had it, ſhe did not keep it; ſhe ſaid, that he would give her another Bond. She told me it had taken Air, and my Lady *Clayton* had ſome Diſquiet about it; and for my Lady's Satisfaction, a Bill in *Chancery* was exhibited againſt her, to which ſhe was to put in her Anſwer, and thereby diſclaim any ſort of Bond, or Intereſt, or any pretence that ſhe had upon Sir *Robert Clayton*.

Mr. *Sergeant Wright*. She told you this her ſelf.

Mr. *Woodward*. Yes, and when ſhe gave me the Bond, ſhe told me it was Sir *Robert Clayton*'s Bond, or to that purpoſe. But there being about nine or ten Years Arrears of Intereſt, ſhe deſired me to caſt up the Intereſt that was in Arrear, and that it might be put to the Principal in the new Bond; ſaying, That Sir *Robert* would give her a Bond for the whole together.

Sergeant Wright. Was the whole Intereſt pretended to be in Arrear?

Mr. *Woodward*. I cannot ſay all the Intereſt.

Mr. *Sergeant Wright*. How did you compute it, from the Date of the Bond, or from what ſhe told you?

Mr. *Woodward*. She ſaid ſhe had received ſome Money, and I computed the reſt, rather under than over, and ſo made the Intereſt to come to Seven Thouſand Pounds, (the Intereſt, payable by the Bond, being Twelve Hundred Pounds a Year.) Whereupon ſhe deſired I would draw a Bond for it my ſelf; and accordingly ſhe left the firſt Bond with me. I took ſome time, and drew it; and made the Penalty thereof Fifty Four Thouſand Pounds, conditioned for the Payment of Twenty Seven Thouſand Pounds. And it was to be made in the ſame Nature as the former was, in reſpect of the Principal, and in the mean time to continue the Payment of the Intereſt Yearly, by proportionable Quarterly payments.

Mr. *Mountague*. What Diſcourſe had you with her about it?

Mr. *Woodward*. I did draw a Bond, and did take notice, That whereas Sir *Robert Clayton* had given her this Bond of Forty Thouſand Pounds, and at his Requeſt, ſhe had deliver'd it up to him; and upon an Account ſtated, there did remain Seven Thouſand Pounds in Arrears for Intereſt, which in all, amounted to Seven and Twenty Thouſand Pounds, or thereabouts; when I gave it her, I ſaid, It is a very great Summ, it concerns you to have Witneſſes of Credit, for no body will believe Sir *Robert Clayton* did give you this Bond, eſpecially after his Death, unleſs it be very well atteſted. I told her, if ſhe pleaſed, I would go and be a Witneſs for her to ſee it executed. So ſhe went away. And when ſhe came to me again, ſhe told me, that Sir *Robert* knew me very well, but did not think fit

to

to have me for a Witneſs. I anſwer'd, I do not care; but it being a very great Sum, take care it be well executed. I gave her both the Bonds, and from that time heard no more of it till about two Months ſince.

Mr. *Northey*. Was there any Body came to diſcourſe with you of making a new Bond, beſides her ſelf?

Mr. *Woodward*. Not that I know of, I do not remember any. It was an extraordinary Sum, I did take a Copy of the Bond.

Mr. *Northey*, Have you it here?

Mr. *Woodward*. Yes, I have it here.

Mr. *Northey*. He ſwears he took a Copy of it, and delivered it to the Priſoner again. We deſire it may be read.

Mr. *Mallet*. Is it a true Copy?

Mr. *Woodward*. I cannot ſay I examined it.

Mr. *Northey*. Did you write it from the Bond?

Mr. *Woodward*. I did.

Mr. *Northey*. Do you believe it is a true Copy?

Mr. *Woodward*. I Believe it is. The Reaſon why I did not examine it, was becauſe it was to be a Secret.

Mr. *Mallet*. Do you look upon your ſelf to be infallible?

Mr. *Sergeant Wright*. Had you any Direction from the Priſoner to take a Copy?

Mr. *Woodward*. I cannot ſay that.

L. C. J. Holt. Why did you write it out? For your Direction to draw the new Bond?

Mr. *Woodward.* I did write it out, becauſe it is a ſpecial Condition, more than is uſual in Bonds: For it is expreſſed, That there ſhould be no Proſecution againſt her by Sir *Robert Clayton*, or his Executors, either at Law, or in Equity, for the 20000 *l.* or the Intereſt, or to do any Act to obſtruct her in receiving the ſame.

L. C. J. Holt. When did you take a Copy of it?

Mr. *Woodward.* At the ſame time, and before I returned it.

L. C. J. Holt. Did you make the new Bond by this Copy, or by the former Bond?

Mr. *Woodward.* Very likely I might uſe both.

L. C. J. Holt. Did you keep them both?

Mr. *Woodward.* I did keep them both by me till I delivered the new Bond.

Mr. *Sergeant Wright.* Is the Copy your own hand Writing?

Mr. *Woodward.* Yes.

Mr. *Mountague.* What did you take it from?

Mr. *Woodward.* From the Original.

Mr. *Wright.* And do you take that to be a true Copy?

Mr. *Woodward.* I believe it is a true Copy.

Mr. *Hall.* Did you read it over at that time.

Mr. *Woodward.* I did read it over.

L. C. J. Holt. Did you write it?

Mr. *Woodward.* I did write it.

Mr. *Mallet.* And did you examine it afterward?

Mr. *Woodward.* No, I did not examine it, it was not to be taken notice of.

Mr. *Hall.* Can you ſay you read it carefully over at that time?

Mr.

Mr. *Cutts*. It may not be the very ſame Bond, if he did not examine it by the Original, ſigned by Sir *Robert Clayton*.

Mr. *Northey*. They may ſhow that Bond.

Mr. *Mallet*. Did the Priſoner bring the Bond to you, of which this is the Copy, and tell you this was her Bond?

Mr. *Northey*. We will prove it by her own Confeſſion.

Mr. *Mallet*. If it be not the ſame Bond, ſhe cannot be convicted.

Mr. *Northey*. No doubt of it.

Mr. *Sergeant Wright*. Produce the Copy; and if your Lordſhip pleaſe, it may be read.

L. C. J. Holt. Let it be read.

NOverint Univerſi per preſentes me Robertum Clayton, *Milites & Decurſum Anglice, Kt. & Alderman de London, teneri & firmiter obligari* Mary Butler, *alias* Strickland, *de Southſtreet in parocha de Edmonton, in Comitatu Middleſex, vidue Quadraginta mille libris bone & legalis monet' Anglie ſolvend' eidem* Mary Butler, *alias* Strickland, *aut ſuo certo Attornat' Executor vel Adminiſtrator ſuis ad quam quidem ſolutionem bene & fideliter faciendam obligo me heredes Executores & Adminiſtratores meos, firmiter per preſentes Sigillo dat decimo quarto die Aprilis, Anno Regni Domini noſtri Jacobi Secundi Dei Gratia Anglie, &c. Regis tertio Annoq; Domini*, 1687.

The

THE Condition of this Obligation is ſuch, That if the above bounden Sir *Robert Clayton*, or his Aſſigns, do, and ſhall well and truly pay, or cauſe to be paid unto the above-named *Mary Butler*, alias *Strickland*, her Executors, Adminiſtrators, or Aſſigns, or any of them, yearly and every Year, during the Term of his natural Life, the full and juſt Summ of 1200 *l.* of Lawful Money of *England*, by four equal Quarterly Payments, being the juſt and legal Intereſt; to grow due of, and for the Principal Summ of Twenty Thouſand Pounds hereinafter-mentioned, in manner and form following, that is to ſay, 300 *l.* on the 14th of *July* next enſuing, the Date of theſe Preſents, 300 *l.* on the Fourteenth of *October* next coming; 300 *l.* on the 14th of *January*, which ſhall be in the Year of our Lord, 1688. and 300 *l.* on the 14th of *April* following; and ſo on every the ſaid 14th Day of the ſaid Months in every Year, one next, and conſequently coming after another the like Sum of 300 *l.* during the Time and Term of the natural Life of the ſaid Sir *Robert Clayton*: And alſo, if the Heirs, Executors and Adminiſtrators of the ſaid Sir *Robert Clayton*, do and ſhall, on or before the End and Expiration of Six Months next after the Death or Deceaſe of him the ſaid Sir *Robert Clayton*, not only well and truly pay, or cauſe to be paid unto the ſaid *Mary Butler*, alias *Strickland*, her Executors, Adminiſtrators, or Aſſigns, the full and juſt Summ of Twenty Thouſand Pounds of Lawful Money of *England* above expreſſed; but alſo all ſuch Intereſt thereof

thereof after the rate aforeſaid, as ſhall be in Arrear and unpaid at the Death of the aforeſaid Sir *Robert Clayton*, and alſo all ſuch as ſhall grow due to be paid for the ſame, for ſo long time of the ſaid ſix Months as the ſaid Summ of 20000 *l.* ſhall be unſatisfied and unpaid after the Death or Deceaſe of the ſaid Sir *Robert Clayton*, without Cozen, Fraud, or Deceit, nor ſhall not commence any Suit either in Law or Equity, againſt the ſaid *Mary Butler*, alias *Strickland*, her Heirs, Executors, or Adminiſtrators, for concerning, or in reſpect of the ſaid 20000 *l.* and intereſt, or any part thereof; and ſhall not do any Act or Thing, to obſtruct, moleſt, or hinder her, them, or any of them, from receiving, having, or enjoying the ſame, then this Obligation to be void, and of none Effect, or elſe to remain in full force,

Robert Clayton.

Sealed and delivered in the
Preſence of us,

J. Pennington,
Edw. Spencer,
John Hebdon,
Eliz. Rivers.

Mr. *Sergeant Wright.* Did the Priſoner bring you the Bond, of which this is a Copy, as a true Bond?

Mr. *Woodward.* Yes my Lord.

Mr. *Sergeant Wright.* I ask you this, had you a Charge from her to keep this Matter ſecret?

Mr. *Woodward.* Yes; and that I would write the Bond with my own hands.

Mr. *Sergeant Wright.* She giving you this Charge, how came this Matter to be known then?

Mr. *Woodward.* Mr. *Nicholas Baker* came to me from Sir *Robert Clayton*, and asked me if I did not know the Priſoner, and particularly about a Bond, and whether I did not make one for her. It was not in my Memory at firſt, till further Diſcourſe occaſioned me to remember it, and I told him that I did do ſome Buſineſs for her. He told me Sir *Robert Clayton* had ſome Information given him, that there was ſuch a Bond drawn by me. Then I told him, I did remember there was ſuch a Bond brought to me, and that I had made a Bond for Mrs. *Butler*, and had taken a Copy of the firſt Bond, which I had by me; and alſo of the ſecond Bond, in which I had left out a material Word in the Obligation, and was fain to write it over again, and had the firſt Draft by me till about a Month before that time, when meeting with it among my Papers, I threw it into the Fire in my Cloſet, but this Copy did remain by me.

Mr. *Hall.* You ſay this Copy is all your own Hand-Writing.

Mr. *Woodward.* Yes, it was.

Mr. *Hall.* Was it Sealed, or Cancell'd?

Mr. *Woodward.* No, it was ſealed, I am very poſitive.

Mr.

Mr. *Hall.* Are you poſitive the Seal was on it at that time.

Mr. *Woodward.* Yes, Sir.

Mr. *Mallet.* Did ſhe tell you that Bond was to be Cancell'd?

Mr. *Woodward.* She told me ſhe was to deliver up that Bond to Sir *Robert Clayton*, and that he would give her another inſtead of it.

Mr. *Mallet.* Was the Bond then delivered up, or no?

Mr. *Woodward.* I cannot ſay ſhe did.

Mr. *Cutts.* Did you never hear of any Bill in *Chancery?* To what end was this Bond delivered to you, for what Reaſon?

Mr. *Woodward.* I asked her why the Bond was to be delivered up, and ſhe told me there was ſome Uneaſineſs in the Family, and my Lady *Clayton* had got the Air of it; and therefore to ſatisfie her, there was a Bill preferr'd againſt her in *Chancery*, and ſhe was to put in her Anſwer; and that he would give her another Bond, and that was to be delivered up.

Mr. *Northey.* We have other Witneſs to prove the Forging of it. Call Mr. *Baker*, (who appeared, and was ſworn.)

Mr. *Sergeant Wright.* Mr. *Baker*, were you preſent when the Priſoner Mrs. *Butler* was before my Lord Chief Juſtice concerning this Bond? Look on that Copy.

Mr. *Baker.* I was preſent at my Lord Chief Juſtice's Chamber, when the Priſoner was brought before his Lordſhip; and ſhe did there acknowledge that the Bond of which ſhe was accuſed ſhe had ordered to be made.

Mr. *Sergeant Wright.* Was that the Bond in queſtion?

Mr. *Baker.* Yes, ſhe did confeſs ſhe cauſed Sir *Robert Clayton*'s Name to be ſet to it, and the Witneſſes Names, and that it was done by one Mr. *Lewkar*, a Scrivener, in *Biſhopſgate-ſtreet.*

Mr. *Sergeant Wright.* She ſaid ſo.

Mr. *Baker.* Yes, Sir.

Mr. *Hall.* Did ſhe confeſs it? Where was it?

Mr. *Baker.* At my Lord Chief Juſtice's Chamber, ſhe confeſt it was her own Act, ſhe cauſed it to be made, and directed the Scrivener to ſet Sir *Robert Clayton*'s Name, and the Witneſſes Names to it.

Mr. *Mallet.* Was there not at that time a Diſcourſe of a Bond that ſhe had on the late Duke of *Buckingham?*

Mr. *Baker.* I cannot be poſitive in that; but this was the Fact ſhe was charged with, and ſhe did confeſs that ſhe cauſed it to be done, and that the Perſons as Witneſſes were innocent of it, and that ſhe did direct Mr. *Lewkar* to ſet Sir *Robert Clayton*'s Name to it.

Mr. *Hall.* How do you know this is the very ſame Bond?

Mr. *Baker.* Mr. *Woodward* ſhowed me this very Bond, when I went to him from Sir *Robert Clayton*, to know whether he was acquainted with the Priſoner; who after ſome Diſcourſe with him relating to this Bond, he very frankly and ingenuouſly told me the whole matter of Fact, as he has done here.

Mr.

Mr. *Mallet.* But we ask you about her Confeſſion, did you ſhew her that Copy? Did ſhe confeſs that?

L. C. J. Holt. What was the Diſcourſe at that time?

Mr. *Baker.* It was about the Bond of Forty Thouſand Pounds, with which ſhe was charged before your Lordſhip, to have counterfeited.

Mr. *Northey.* Did he give an account then of this Bond?

Mr. *Baker.* Yes, Mr. *Woodward* produced this Copy before my Lord Chief Juſtice, and ſhe owned ſhe had ordered Mr. *Lewkar* to make it, and to put Sir *Robert Clayton*'s Name to it.

Mr. *Sergeant Wright.* Now, my Lord, we will ſhow you that ſhe is going on ſtill, and that very lately ſhe has owned it, and that ſhe is going about to make the Bond of Fifty Thouſand Pound a very good Bond.

Mr. *Mallet.* When it is in queſtion, you may then invalidate it.

Mr. *Sergeant Wright.* Mr. *Woodward* has told you he did make the Bond of Fifty Four Thouſand Pound. But I think we have no need of it.

Mr. *Hall.* they have failed in the Indictment, ſo that it cannot be ſupported by this Bond; it ſhould be laid ſpecially, according to the Condition of the Bond to be paid: For it is a Bond of Forty Thouſand Pound, to be paid by his Heirs after his Death Twenty Thouſand Pounds. Now the Bond, whereof they produce a Copy, is of other things.

Mr. *Northey.* It is for the ſame.

Mr. *Hall.* It is a different thing.

L. C. J. Holt. Not at all.

Mr.

Mr. *Mallet.* It is laid in the Indictment to be paid by Sir *Robert Clayton.* In the Bond it is ſaid it is not to be paid till after his Death.

Mr. *Sergeant Wright.* It is laid in the Indictment, that the Bond was of the Penalty of 40000 *l.* to be paid by Sir *Robert Clayton*, with Condition thereto under-written concerning amongſt other things, the Payment of 20000 *l.* to the Priſoner, after the Death of Sir *Robert Clayton*, by his Executors.

L. C. J. Holt. Let your Exceptions proceed from the Indictment, it is to be paid after the Death of Sir *Robert*, by his Executors.

Mr. *Sergeant Wright.* Have you any more to ſay for your ſelves?

Mr. *Hall.* We have a great many Witneſſes here to prove her Reputation. It is a ſtrange thing any one ſhould go to Forge a Bond on ſuch an eminent Perſon.

L. C. J. Holt. It is ſtrange indeed, but the Queſtion is, whether it be not true.

Mr. *Hall.* Her Confeſſion is proved by Mr. *Baker.* But we have many Witneſſes, as to her Reputation.

Mr. *Mallet.* This Bond is not in the Indictment. The Bond of Forty Thouſand Pound is ſeveral Years ſince. Now there are two Bonds. Now that of Fifty Four Thouſand Pounds is not in this Indictment, and this of Forty Thouſand Pounds is ſeveral Years ſince that it was ſhown to him. It is ſtrange he ſhould be ſo very exact, and yet did not examine it. And probably he might miſtake in the Copy, and it may not be the very Bond in the Indictment. Now as to Mr. *Baker*, it is true, we have a Bond of Five Thouſand Pounds from the Duke of *Buckingham*, and

we

we are ſuing Sir *Robert Clayton* for this Money, and hope to have it, now after ſo many Years. And Sir *Robert Clayton* did prefer a Bill in *Chancery* againſt us, and we in Anſwer did declaim having any ſuch Bond. And now when we are like to have a Decree for this Summ againſt this Truſtee of the Duke of *Buckingham*'s Eſtate, he comes and would take off our Credit in this Matter. We did in the Year 1695. diſclaim any ſuch Bond.

Mr. *Northey*. Then you do admit that ſhe owned the Bond.

Then her Witneſſes were called.

Mr. *Mallet*. Mr. *Glover*, do you know Mrs. *Butler*?

Mr. *Glover*. Yes.

Mr. *Mallet*. Give an account of what you know, as to her Reputation.

Glover. I have known her Fifteen or Sixteen Years. All that I know of her is fair and clear.

L. C. J. Holt. Where do you live?

Glover. In *Red-Lyon-Street*.

L. C. J. Holt. What Profeſſion are you of?

Glover. I belonged to *Lincolns-Inn*.

L. C. J. Holt. A Gentleman of *Lincolns-Inn*.

Glover. I was brought up at the Univerſity, but have not reſided there lately.

L. C. J. Holt. How do you live? Are you a Houſe-keeper?

Glover. I live privately at preſent.

L. C. J. Holt. Who knows you?

Glover.

Glover. I cannot tell who knows me here. I believe Mr. *Northey* does.

Mr. *Northey.* I do not intend to give any Character of you, I do not uſe to give Characters of my Clients.

L. C. J. Holt. How long have you lived in *Red-Lyon-Street?*

Glover. Ten or Eleven Years.

Mr. *Mallet.* How did ſhe live?

Glover. I knew her live in *Devonſhire-Square* very reputably, I always thought ſo.

Mr. *Sergeant Wright.* Had ſhe any Eſtate of her own?

Glover. I cannot ſay ſo certainly, it was thought ſo. She paid every Body very punctually.

Mr. *Hall.* Acquaint my Lord how long you have known her, and whether you think ſhe would be guilty of ſuch a Forgery.

Glover. I have known her Fourteen or Fifteen Years, I cannot believe ſhe would.

Mr. *Mountague.* Have you heard the Evidence?

Glover. Yes.

Mr. *Mountague.* What do you think of it then?

Glover. I know not what to think.

Mr. *Mountague.* Do you think ſhe would confeſs her ſelf guilty of a Forgery, if ſhe were not?

Glover. I cannot tell what to ſay to that. I ſuppoſe no body would confeſs, if they were not guilty.

Mr. *Sergeant Wright.* Do you know one *Hebdon?*

Glover. I know *Hebdon.*

Mr. *Sergeant Wright.* He is a Witneſs to the Bond. Was he Sir *John Hebdon's* Son?

Glover.

Glover. I can give no account of that, but he has had a very honourable Character.

Mrs. Rodum *called, and appeared.*

Mr. *Hall.* Mrs. *Rodum,* do you know Mrs. *Butler?*

Rodum. Yes.

Mr. *Hall.* How long have you known her?

Rodum. Five or ſix Years.

Mr. *Hall.* What do you know of her Character?

Rodum. I am the Widow of one of them that kill'd one another by the Temple. I never knew of any Bond, nor ever heard her lay Claim to any ſuch Bond. She lived in good Reputation. She was in my Houſe when my Husband was killed. She lived in my Houſe about a Year, I never heard ſhe made any ſuch Pretenſion. She lived honeſtly and decently. She owes me upwards of Three Hundred Pounds.

L. C. J. Holt. For what? How came ſhe to owe you Three Hundred Pounds?

Rodum. I kept a Shop in the *Exchange,* and my Husband was a Broker. She owed it me partly for Goods out of my Shop, and partly for Goods out of *Scotland.* He was killed about half a Year agoe, and I have kept the Shop ſtill. About three or four Months agoe ſhe left me, and I never heard of any Bond.

Mr. *Sergeant Wright.* Did you never hear of a Bill in *Chancery* againſt her?

Rodum. No Sir.

Mr. *Mallet.* Did you hear of any Money that was due to her from the Duke of *Buckingham?*

Rodum. I was told ſhe was ſueing Sir *Robert Clayton* for Money that was to be paid her on the Duke of *Buckingham*'s Account, and upon the Credit of that I truſted her.

Shaw *Called.*

Mr. *Hall.* How long have you known Mrs. *Butler?*

Shaw. About Sixteen Years.

Mr. *Hall.* Do you think ſhe would Forge a Bond?

Shaw. Indeed I cannot give any account of that.

Mr. *Hall.* How has ſhe behaved her ſelf?

Shaw. I never knew her guilty of any Rudeneſs.

Mr. *Sergeant Wright.* Put up more Witneſſes, if you have any.

Mr. *Hall.* We have done.

L. C. J. Holt. Mrs. *Butler*, will you ſay any thing for your ſelf?

Mrs. *Butler.* I am altogether innocent in the matter, I never wrong'd Sir *Robert Clayton*, nor any Body elſe, in my Life.

L. C. J. Holt. Gentlemen of the Jury, This Mrs. *Butler*, alias *Strickland*, ſtands Indicted for Forging a Bond in the Name of Sir *Robert Clayton*, in the Penalty of Forty Thouſand Pound, the Condition for

for the Payment of Twenty Thouſand Pound, among other things, within Six Months after the Death of Sir *Robert Clayton*. And alſo, That ſhe did publiſh this Bond as the true Bond of Sir *Robert Clayton*. You have heard what Evidence has been given, to prove her guilty of this Forgery, and the Publication of it.

It ſeems, ſome time ſince, as is proved to you by Mr. *Woodward*, this Gentlewoman came to him with this Bond of Forty Thouſand Pounds. And it was upon this account, as ſhe ſaid. To wit, Sir *Robert Clayton* having given her this Bond, it had taken Air, and was come to the Lady *Clayton*'s Ear; which occaſioned ſome Difference between Sir *Robert Clayton* and his Lady. She ſaid, That this Bond, by Direction from Sir *Robert*, was to be delivered up to him to be Cancell'd; and that Sir *Robert Clayton* had engaged to enter into a New Bond in the Penalty of Fifty Four Thouſand Pounds, for the Payment of Twenty Six Thouſand Pound (there being at that that time ſuppoſed an Arrear of Intereſt for 20000 *l.*) payable after Sir *Robert*'s Death, and Intereſt in the mean time. She delivered this Bond to Mr. *Woodward*. He takes a Copy of it, which is produced and read. And ſo, according to her Direction, Mr. *Woodward* does draw another Bond, with the Penalty of Fifty Four Thouſand Pound. And ſhe then told Mr. *Woodward* Sir *Robert* would ſeal this Bond upon the Delivery up of the Bond of Forty Thouſand Pound. Mr. *Woodward* having conſidered, that it was an extraordinary Summ for Sir *Robert* to engage himſelf in, and he being a very conſiderable Man, he adviſed her to

have this New Bond well atteſted; and to be ſure to get Witneſſes of unqueſtionable Credit to ſee it executed. And thereupon he offered himſelf to go with her to Sir *Robert*, to be a Witneſs to this New Bond. No, ſays ſhe, Sir *Robert* is not willing that this ſhould be known, you are not a proper Perſon to be a Witneſs to it; therefore, ſays ſhe, I will get ſome other Witneſſes to atteſt it. Whereupon he gives her this firſt Bond for Forty Thouſand Pounds, which ſhe brought to him, for the Payment of Twenty Thouſand Pounds; and gave her alſo the Draught of the New Bond. He ſays this Bond that ſhe brought to him, was atteſted by Four Witneſſes. Sir *Robert*, it ſeems, upon her Anſwer in *Chancery*, not imagining any thing of this, ſhe having diſclaimed in *Chancery* the having; only ſome time after he had heard a Report as if ſhe was ſetting up of a New Bond, and that Mr. *Woodward* could give an account of it. Wherefore he ſends Mr. *Baker* to Mr. *Woodward*, who gave him the ſame account that he has done here. Then Sir *Robert* makes a Complaint, and has her brought before me; and there was Mr. *Woodward* with this Copy. And this was objected to her, as if ſhe had Forged this Bond. And it ſeems, when ſhe was there under Examination, as is proved to you by Mr. *Baker*, ſhe did plainly confeſs, that ſhe had Forged this Bond of Forty Thouſand Pounds, and that ſhe had procured one *Lewkar* to do it for her, who ſet Sir *Robert's* Name to it; and ſaid, that the Witneſſes, whoſe Names were ſet to it, were innocent, and knew nothing of the matter.

Now

Now what is ſaid for her on the other ſide? They bring ſome Perſons for her, that ſay they have known her. One, that ſays he belonged to *Lincolns-Inn*, and been acquainted with her fourteen or fifteen Years, and did look upon her as a Civil Woman; and for his part, he does not believe ſhe would be guilty of ſuch a Forgery. Another, who is a Woman, ſays ſhe has known her ſome time, and ſhe ſays ſhe has truſted her much, and did never hear her ſay any thing of this Bond, but ſhe behaved her ſelf civilly, and ſhe took her to be a very ſober Perſon. Another Witneſs ſays, ſhe look'd on her to be a very honeſt Perſon. This is the Sum of the Evidence.

There is a very ſtrong Evidence to induce you to believe that ſhe did Forge the Bond. Such a Bond ſhe had, that is plain. She does give no Account what is become of it; and ſhe does not ſhow any manner of Pretence of having ſo much Money from Sir *Robert Clayton* due to her, ſhe does not make it appear why Sir *Robert* ſhould give her a Bond upon any account. Now for any to ſay that they knew her, and they do not believe ſhe would Forge a Bond, that is no Evidence; no body ought to believe Ill of Mrs. *Butler*, or any one elſe, unleſs it be made to appear. But the Queſtion is not, what they do believe; but whether the matter be not proved to you to your Satisfaction, that ſhe has Forged this Bond. And if you are ſatisfied that ſhe did Forge it, you ought to find her guilty; and if you do not believe the Evidence to be ſatisfactory, you ought to acquit her.

Then

Then the Jury withdrew, and being returned, gave their Verdict as follows.

Cl. of Arr. Are you agreed of your Verdict?

Jury. Yes.

Cl. of Arr. Who ſhall ſay for you?

Jury. Foreman.

Cl. of Arr. Bring *Mary Butler* to the Bar. How ſay ye? Is the Priſoner at the Bar guilty of the Forgery whereof ſhe ſtands Indicted, or not guilty?

Foreman. Guilty.

The Judgment which the Court pronounced againſt her was, That ſhe ſhould pay a Fine of 500 l. *to the King, and continue in Priſon till ſhe paid it.*

FINIS.